

### REMARKS

Claims 1 to 59 are pending in the application.

Claims 1, 2, 58, and 59 and the specification are amended.

Claims 4 to 57 are cancelled without prejudice to filing a divisional application directed thereto.

Claims 1 to 3, 58, and 59 are directed to methods of treating noninflammatory cartilage damage, and would be all of the claims pending in the instant application if the present amendment is entered. No new matter is added by the above amendments.

#### *Discussion of Preliminary Amendments to the Claims*

The specification is amended to insert cross-references to related applications after the title.

Claim 1 is amended to treating noninflammatory cartilage damage. Support for the amendment to Claim 1 is found in the instant specification, for example (i) on page 1, at line 13, (ii) on page 3, at line 27, to page 4, at line 2, (iii) on page 5, at line 13, to page 6, at line 14, (iv) on page 34, at lines 1 to 4, wherein cartilage damage is defined as an asymptomatic disorder, and (v) in original Claim 1.

Claim 2 is amended to treating noninflammatory cartilage damage and to literally recite subject matter that was previously incorporated by reference to original Claim 1. Support for the amendment to Claim 2 is found in the instant specification for example (i) as referenced above for support for the amendment to Claim 1, (ii) in Biological Method 1, wherein a rabbit was treated with a compound of Formula I (i.e., gabapentin), and (iii) in original Claim 2.

Claim 58 is amended to treating noninflammatory cartilage damage and to literally recite subject matter that was previously incorporated by reference to original Claims 56 and 57. Support for the amendment to Claim 58 is found in the instant specification, for example (i) as referenced above for support for the amendment to Claim 1, (ii) in Biological Method 1, wherein a rabbit was treated with an active species of Claim 58 (i.e., 3-(1-aminomethyl-cyclohexylmethyl)-4H-[1,2,4]oxadiazol-5-one hydrochloride), and (iii) in original Claim 58.

Claim 59 is amended to change its dependency from Claim 57 to Claim 58, as Claim 57 is cancelled and the active species of Claim 59 is embraced by the active species of Claim 58. Support is found in original Claims 57 to 59.

Again, no new matter is added by the above amendments.

***Information Disclosure Statement***

Applicants herein make available to the Patent and Trademark Office the following copending parent case, cited by the applicant to the USPTO in the present application:

**PARENT:**

<b>Our Ref. No.:</b>	<b>A391-01-CFP</b>
<b>In Re Application Of:</b>	<b>Schrier, et al.</b>
<b>U.S. Serial No.:</b>	<b>09/952,787</b>
<b>Filed:</b>	<b>September 14, 2001</b>
<b>For:</b>	<b>METHOD OF TREATING CARTILAGE DAMAGE</b>

Applicants note for the Examiner's convenience that an amended Claim 8 and original Claims 9 to 12, and 21 are allowed in the parent application. In the parent application, original Claim 8 was amended to treating noninflammatory cartilage damage and to literally recite what was previously incorporated by

reference to original Claim 1. Original Claims 9 to 12 and 21 are dependent from amended Claim 8 in the parent application, and are thus also directed to treating noninflammatory cartilage damage.

Applicants further note that the active species of instant Claims 58 and 59 are the same as the active species of original Claims 11 and 12, respectively. The active species of instant Claims 58 and 59 are administered in a pharmaceutical composition.

Further, Applicants respectfully request that the Examiner consider the art cited by Applicants in (i) each of two Information Disclosure Statements ("IDS's") in the parent application (copies of the PTO-1449 forms are ENCLOSED herewith) and (ii) the new Form PTO-1449 enclosed herewith, which cites United States Patent No. 6,329,429B1. US6,329,429B1 relates to WO98/58641 of (i).

The Examiner is respectfully requested to consider carefully the complete text of these cited references in connection with the examination of the above-identified application in accord with 37 CFR §1.104(a).

It is respectfully requested that all cited references considered by the Examiner be listed in the "References Cited" portion of any patent issuing from the instant application (MPEP § 1302.12).

A prompt and favorable examination is earnestly solicited.

The Commissioner of Patents and Trademarks is hereby authorized to charge any payment of fees required for this communication, or credit any overpayment of fees, to deposit account 23-0455.

The undersigned would welcome a telephone call from the Examiner to discuss any matters.

Respectfully submitted,

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